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ARTICLE XIII  
ADMINISTRATION AND ENFORCEMENT

SECTION 1301      ZONING CERTIFICATES

1301.1 ADMINISTRATION AND ENFORCEMENT

- A. It shall be the duty of the Town Planner/Codes Administrator, under the supervision of the Town Engineer, to administer the provisions of this Ordinance and to advise all Town officials and agencies on matters relating to land use planning. The Town Planner/Codes Administrator may delegate all or part of his duties and responsibilities to other Town officials or employees.
- B. Upon the effective date of this Ordinance, the Zoning Inspector shall have the powers and duties set forth in this Ordinance. The Zoning Inspector shall be subject to the supervision of the Town Planner/Codes Administrator.
- C. All departments, officials and public employees of Easton which are vested with the authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall not issue any permit or license for any use, building, structure, or purpose which would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void. If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structure; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

1301.2 ZONING COMPLIANCE REQUIRED

No building certificate, occupancy certificate or other license or permit relating to the use or development of land or any structure located thereon shall be issued nor shall any structure shall be constructed, moved, added to, or structurally altered, or use of land changed except in compliance with the terms of this Ordinance.

1301.3 ZONING CERTIFICATION REQUIRED

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building, or premises, or both, or part thereof hereafter created, constructed, changed,

1 converted or wholly or partly altered or enlarged in its use or structure until a Zoning  
2 Certificate shall have been issued therefore by the Town Planner/Codes  
3 Administrator or his designee, stating that the proposed use of the building or land  
4 conforms to the requirements of this Ordinance. Such certification, however, is not  
5 the same as a building permit, an occupancy permit or any other permits or  
6 certificates that may be required by the Town Building Inspector, and zoning  
7 certification should not be construed as any sort of final approval relative to the  
8 construction, demolition, or occupation of any building.  
9

- 10 B. A temporary occupancy permit may be issued by the Zoning Inspector for a period  
11 not exceeding six (6) months during alterations or partial occupancy of a building  
12 pending its completion; provided that such temporary permit may require such  
13 conditions and safeguards as will protect the safety of the occupants and the public.  
14
- 15 C. The Town Planner/Codes Administrator shall maintain a record of all zoning  
16 certificates and copies shall be furnished upon request to any person.  
17
- 18 D. Failure to obtain zoning certification shall be a violation of this Ordinance and  
19 punishable under Section 1308 of this Ordinance.  
20

21 **1301.6 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS,**  
22 **PLANS, AND ZONING CERTIFICATES**  
23

24 Zoning certificates issued on the basis of site plans and applications approved by the Town  
25 Planner/Codes Administrator authorize only the use, arrangement, and construction set forth  
26 in such approved plans and applications, and no other use, arrangement, or construction.  
27 Use, arrangement, or construction differing with that authorized shall be deemed violation of  
28 this Ordinance, and punishable as provided by Section 1308 thereof.  
29

30 **SECTION 1302 PLANNING COMMISSION**  
31

32 **1302.1 CREATION, DESIGNATION**  
33

34 Upon the effective date of this Ordinance, the Easton Planning and Zoning Commission shall  
35 have the powers and duties set forth in this Ordinance.  
36

37 **1302.2 COMPOSITION, APPOINTMENT, COMPENSATION, TERM, REMOVAL,**  
38 **VACANCIES**  
39

- 40 A. The Commission shall consist of five (5) members, one (1) of whom may be a  
41 member of the Town Council to serve in an ex officio capacity concurrent with his or  
42 her term in office.  
43

- 1 B. The members shall be appointed by the Mayor and thereafter confirmed by the  
2 Council.  
3  
4 C. All members of the Commission shall serve as such without compensation, unless the  
5 Council shall by resolution determine that appropriate compensation should be made  
6 to the members.  
7  
8 D. The Commission shall elect a chairman from one of the appointed members and  
9 create and fill such other of its offices as it may determine. The term of chairman  
10 shall be one (1) year, with eligibility for reelection.  
11  
12 E. The Commission shall hold at least one (1) regular meeting each month. It shall  
13 adopt rules for transactions of business and shall keep a record of its resolutions,  
14 transactions, findings, and determinations, which records shall be a public record.  
15  
16 F. The terms of each member, except for any Town Councilman serving as an ex officio  
17 member, shall be for five (5) years from the date of his or her appointment or until  
18 his or her successor takes office.  
19  
20 G. Members may, after a public hearing, be removed by the Town Council for  
21 inefficiency, neglect of duty or malfeasance in office. The Council shall file a written  
22 statement among its records of reasons for such removal. Vacancies occurring  
23 otherwise than through the expiration of term shall be filled for the unexpired term by  
24 the Mayor with the confirmation of the Council as herein above set forth.  
25

### 26 1302.3 POWERS AND DUTIES

27  
28 The Planning Commission is charged with the following powers and duties:  
29

- 30 A. Prepare, approve and recommend to the Town Council adoption of the  
31 Comprehensive Plan and the Zoning Ordinance and amendments thereto.  
32  
33 B. Approve and publish plans for major geographic sections or divisions of the Town.  
34  
35 C. Recommend the boundaries of the various districts and appropriate regulations to be  
36 enforced therein that the Town may avail itself of the zoning powers conferred by the  
37 Annotated Code of Maryland, Article 66B.  
38  
39 D. Advise the Town Council and Board of Appeals on matters relating to zoning,  
40 annexations, applications for special exceptions and variances when appropriate.  
41  
42 E. Review site plans for compliance with this Ordinance and standards herein.  
43

- 1 F. Approve proposed subdivision plats and resubdivision of existing record plats. All  
2 plats must bear the signature of the Chairman before legal filing in the Land Records  
3 of Talbot County.
- 4
- 5 G. Review and hold public hearings on applications for Growth Allocation.
- 6
- 7 H. Prepare, adopt, and file an annual report with the Town Council as per the  
8 requirements of Section 309 of Article 66B of the Annotated Code of Maryland.
- 9
- 10 I. Review the proposed construction of any street, square, park, or other public way,  
11 ground or open space, or public building or structure, or public utility, whether public  
12 or privately owned to determine whether the location, character, and extent of such  
13 development is consistent with the Comprehensive Plan, as per Section 3.08 of  
14 Article 66B of the Annotated Code of Maryland.
- 15
- 16 J. Exercise any other powers, or discharge any other duties, granted to or imposed upon  
17 planning commissions by any other Ordinance or Regulation of the Town of Easton  
18 or by the laws of the State of Maryland.
- 19

20

21 **SECTION 1303 BOARD OF ZONING APPEALS**

22

23 **1303.1 MEMBERS OF BOARD**

24

25 Upon the effective date of this Ordinance, the Easton Board of Zoning Appeals shall have the  
26 powers and duties set forth in this Ordinance. The Board shall consist of three (3) members  
27 appointed by the Mayor and confirmed by the Town Council, and removable for cause, upon  
28 written charges, and after public hearing. Members shall be appointed for terms of three (3)  
29 years each. Vacancies shall be filled by appointment for the unexpired term. The Town  
30 Council shall designate (1) alternate member for the Board of Appeals who may be  
31 empowered to sit with the Board in the absence of any member of the Board.

32

33 **1303.2 PROCEEDINGS OF THE BOARD OF APPEALS**

34

- 35 A. The Board of Appeals shall adopt rules necessary to the conduct of its affairs, and in  
36 keeping with the provisions of this Ordinance. Meetings shall be held at the call of  
37 the Chairman and at such other times as the Board may determine. The Chairman, or  
38 in his absence the Acting Chairman, may administer oaths and compel the attendance  
39 of witnesses. All meetings shall be open to the public.
- 40
- 41 B. The Board of Appeals shall issue written decisions regarding applications or appeals  
42 considered by it and shall keep minutes of its other proceedings, showing the vote of  
43 each member upon each question, or if absent or failing to vote indicating such fact,

1 and shall keep records of its examinations and other official actions, all of which  
2 shall be a public record and be immediately filed in the office of the Board.  
3

#### 4 1303.3 HEARINGS; APPEALS; NOTICE 5

6 A. Appeals to the Board of Appeals concerning interpretation or administration of this  
7 Ordinance, the Subdivision Regulations, and any other ordinance of the Town  
8 authorizing appeals to the Board of Appeals may be taken by any person aggrieved by  
9 such decision or by any officer, Commission, or Department of the Town. Such  
10 appeals shall be taken within thirty (30) days after any action by any Town official or  
11 Board applying, granting or denying a request pursuant to this Ordinance, the  
12 Subdivision Regulations, or any other ordinance of the Town authorizing appeals to  
13 the Board of Appeals by filing with the Town Planner/Codes Administrator and with  
14 the Board of Appeals a notice of appeal specifying the grounds thereof. The Town  
15 Planner/Codes Administrator shall forthwith transmit to the Board all papers  
16 constituting the record upon which the action appealed from was taken.  
17

18 B. The Board of Appeals shall fix a reasonable time for the hearing of appeal, give  
19 public notice thereof as well as due notice to the parties in interest, and hold a public  
20 hearing upon the appeal. At least fifteen (15) days notice of the time and place of  
21 such hearing shall be published in a paper of general circulation in the Town and by  
22 posting the property. At the hearing, any party may appear in person or by agent or  
23 attorney. The Board shall then render a written decision affirming, reversing or  
24 modifying the decision appealed from.  
25

#### 26 1303.4 STAY OF PROCEEDINGS 27

28 An appeal stays all proceedings instituted by any Town official or agency to enforce the  
29 decision appealed from, unless the official or agency from whom the appeal is taken certifies  
30 to the Board of Appeals after the notice of appeal is filed with him, that by reason of facts  
31 stated in the certificate, a stay would, in his opinion, cause imminent peril to life and  
32 property. In such case, proceedings shall not be stayed other than by a restraining order  
33 which may be granted by the Board of Appeals or by the Circuit Court on application, on  
34 notice to the official or agency from whom the appeal is taken, and on due cause shown.  
35

#### 36 1303.5 POWERS AND DUTIES 37

38 The Board of Appeals shall have the following powers and duties:  
39

40 A. Administrative Review - To hear and decide appeals where it is alleged there is error  
41 in any order, requirement, decision, or determination made by the Zoning Inspector,  
42 Building Inspector, Town Planner, Historic District Commission or the Planning  
43 Commission in the enforcement of this Ordinance.

1  
2 B. Special Exceptions; Conditions Governing Applications; Procedures - To hear and  
3 decide only such special exceptions as the Board of Appeals is specifically authorized  
4 to pass on by the terms of this Ordinance: to decide such questions as are involved in  
5 determining whether special exceptions should be granted and to grant special  
6 exceptions with such conditions and safeguards as are appropriate under this  
7 Ordinance, or to deny special exceptions when not in harmony with the purpose and  
8 intent of this Ordinance. A special exception shall not be granted by the Board of  
9 Appeals unless and until:

- 10  
11 (1) A written application for a special exception is submitted indicating the  
12 section of this Ordinance under which the special exception is sought and  
13 stating the grounds on which it is requested.  
14  
15 (2) The Board of Appeals has determined if Planning Commission review of the  
16 application is necessary, and if so, the written findings and recommendations  
17 of the Planning Commission have been received by the Board. Planning  
18 Commission review shall only be necessary when the granting of the  
19 proposed Special Exception would be of such magnitude to be equivalent to a  
20 rezoning.  
21  
22 (3) Notice shall be given at least fifteen (15) days in advance of public hearing.  
23 The owner of the property for which special exception is sought, or his agent,  
24 shall be notified by mail. Notice of such hearings shall be posted on the  
25 property for which special exception is sought and at the Town Hall, and  
26 notice shall be published in a newspaper of general circulation in the Town,  
27 at least fifteen (15) days prior to the public hearing. In addition, notice to  
28 surrounding property owners shall be provided in accordance with the  
29 provisions of Section 301.2 G of this Ordinance.  
30  
31 (4) The public hearing shall be held. Any party may appear in person, or by  
32 agent or attorney.  
33  
34 (5) The Board of Appeals shall make a finding that it is empowered under the  
35 section of this Ordinance described in the application to grant the special  
36 exception, and that the granting of the special exception will not adversely  
37 affect the public health, safety, security, morals, or general welfare, or would  
38 result in dangerous traffic conditions, or would jeopardize the lives or  
39 property of the people living in the neighborhood.

40  
41 In granting any special exception, the Board of Appeals may prescribe  
42 appropriate conditions and safeguards in conformity with this Ordinance.  
43 Violation of such conditions and safeguards when made a part of the terms

1 under which the special exception is granted, shall be deemed a violation of  
2 this Ordinance and punishable under Section 1308 of this Ordinance. No  
3 change or addition may be made to a special exception granted by the Board  
4 of Appeals until an application for such change has been reviewed and  
5 approved by the Board of Appeals. Such application procedure shall be the  
6 same as for a special exception.  
7

8 The Board of Appeals shall prescribe a time limit within which the action for  
9 which the special exception is required shall be begun or completed, or both.  
10 Failure to begin or complete, or both, such action within the time limit set  
11 shall void the special exception.  
12

13 (6) When hearing evidence necessary for granting of any special exception, the  
14 Board shall consider all pertinent facts in the case, and render a decision in  
15 accordance with the following principles:  
16

- 17 a. the proposed use conforms in all aspects to minimum requirements of  
18 the district in which it is located;
- 19 b. the proposed use is not adversely affecting the health, safety, and  
20 general welfare of residents of the area;
- 21 c. the proposed use will not interfere with the adequate and orderly  
22 provision of public facilities necessary to service the area or the  
23 proposed special exceptions;
- 24 d. the proposed use will not create congestion in the streets or undue  
25 traffic hazards, and that adequate egress and ingress are provided;
- 26 e. the proposed use will not adversely affect the area and surrounding  
27 property due to adverse environmental characteristics including undue  
28 smoke, odor, noise, improper drainage, or inadequate access;
- 29 f. the proposed use will not adversely affect the established character of  
30 the area.
- 31 g. the proposed use shall be in conformity with the provisions of the  
32 Easton Comprehensive Plan including those provisions of the  
33 Comprehensive Plan relating to design and performance standards for  
34 the development or redevelopment of land. In addition to the criteria  
35 set forth elsewhere herein when considering an application for  
36 additional principal uses upon an approved lot, the proposed  
37 additional uses shall be compatible and complimentary and uses  
38  
39  
40  
41  
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43

1 customarily found near or in conjunction with one another. This  
2 provision may not be used to permit shopping centers which are  
3 governed by other provisions of this Ordinance.  
4

5 When hearing any application for a special exception, the Board may  
6 consider the design of the proposal, site plans, feasibility studies, or  
7 construction drawings, as an integral part of the application.  
8

- 9 (7) The applicant for a special exception shall have the burden of proof on all  
10 points material to the application which shall include the burden of presenting  
11 credible evidence as to each material issue and the burden of persuasion on  
12 each material issue. The Board may disregard evidence, even if  
13 uncontroverted by an opposing party, if the Board finds such evidence not to  
14 be credible.  
15

16 C. Variances; Conditions Governing Applications; Procedures - To grant variances from  
17 the literal application of the terms of this Ordinance when the applicant seeking the  
18 variance has demonstrated that the application complies with the standards set forth  
19 in this Section. The Board of Appeals may not grant a variance from the terms of this  
20 Ordinance unless and until:  
21

- 22 (1) A written application for a variance is submitted indicating the Section or  
23 Sections of the Ordinance for which the variance is sought and stating the  
24 grounds upon which it is requested.  
25
- 26 (2) A notice of a public hearing shall be provided as is set forth in Section  
27 1303.3. In addition, notice to surrounding property owners shall be provided  
28 in accordance with the provisions of Section 301.2 G of this Ordinance.  
29
- 30 (3) A public hearing shall be held. Any party may appear in person, by agent or  
31 by attorney.  
32
- 33 (4) Before granting any variance, the Board of Appeals shall issue written  
34 findings of fact that:  
35
- 36 a. Granting the application: (i) will not be contrary to the public interest,  
37 (ii) will be in harmony with the purpose and intent of the Ordinance  
38 and (iii) will not be injurious to the neighborhood or otherwise  
39 detrimental to the public welfare;  
40
- 41 b. Owing to conditions peculiar to the property, which conditions are  
42 not the result of any action taken by the applicant, a literal

1 enforcement of the Ordinance will result in practical difficulty to the  
2 applicant.

3  
4 (5) Non-conforming uses of neighboring lands, structures or buildings shall not  
5 be considered grounds for the issuance of a variance nor shall permitted uses  
6 of neighboring lands, structures, or buildings.

7  
8 (6) The Board of Appeals shall be authorized to grant variances only with regard  
9 to provisions of the Ordinance relating to density, bulk, or area requirements.  
10 Under no circumstances shall the Board of Appeals grant a variance to allow  
11 a use which is not permitted under the terms of the Ordinance or is by  
12 implication prohibited by the terms of the Ordinance relating to the zoning  
13 district in which the subject property is located.

14  
15 (7) In granting any variance, the Board of Appeals may prescribe appropriate  
16 conditions and safeguards in conformity with this Ordinance. Violation of  
17 such conditions and safeguards, when made a part of the terms under which  
18 the variance is granted, shall be deemed a violation of this Ordinance and  
19 punishable under Section 1308 of this Ordinance.

20  
21 (8) The Board may grant a variance from the provisions of the Critical Area  
22 Overlay District upon making the following findings of fact:

23  
24 a. That special conditions or circumstances exist that are peculiar to the  
25 land or structure involved and that a literal enforcement of the  
26 provisions of the Critical Area Program would result in unwarranted  
27 hardship;

28  
29 b. That a literal interpretation of the provisions of this Ordinance  
30 relating to the Critical Area Overlay Zones would deprive the  
31 applicant of rights commonly shared by other properties in similar  
32 areas within the Critical Area Overlay District;

33  
34 c. That the granting of the variance requested would not confer upon the  
35 applicant any special privilege that is denied by the provisions of the  
36 Ordinance to other lands or structures within the Town's Critical Area  
37 Overlay District;

38  
39 d. That the variance requested is not based upon conditions or  
40 circumstances which are the result of actions by the applicant, nor  
41 does the request arise from any condition relating to land or building  
42 use, either permitted or nonconforming, on any neighboring property;

43

- e. That the granting of the variance requested will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Town's Critical Area Overlay Zone, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Areas law and the regulations promulgated by the State Critical Area Commission;
- f. No hearing shall be held upon an application for a variance in the Critical Area Overlay District until the State Critical Area Commission has received a copy of the variance application at least fifteen (15) days prior to the date of the scheduled public hearing.

- (9) The applicant for a variance shall have the burden of proof on all points material to the application which shall include the burden of presenting credible evidence as to each material issue and the burden of persuasion on each material issue. The Board may disregard evidence, even if uncontroverted by an opposing party, if the Board finds such evidence not to be credible.
- (10) Nothing in this chapter shall give the Board the authority to grant a variance from the provisions of Section 1008.2 relating to the maximum size of Major retail uses.

**D. REASONABLE ACCOMODATIONS FOR THE NEEDS OF DISABLED CITIZENS**

The Board of Zoning Appeals may make reasonable accommodations to avoid discrimination on the basis of a disability. Reasonable accommodations for the needs of disabled citizens shall be permitted in accordance with the evidentiary requirements set forth in the following paragraphs.

- (1) An applicant shall have the burden of demonstrating the following:
  - a. The existence of a disability;
  - b. Literal enforcement of the provisions of this ordinance would result in discrimination by virtue of such disability;
  - c. A reasonable accommodation would reduce or eliminate the discriminatory effect of the provisions of this ordinance;
  - d. The accommodation requested will not substantially impair the purpose, intent, or effect, of the provisions of this ordinance as applied to the property;

1  
2 e. Environmental impacts associated with the accommodation are the minimum  
3 necessary to address the needs resulting from the particular disability of the  
4 applicant.  
5

6 (2) The Board of Zoning Appeals shall determine the nature and scope of any  
7 accommodation under this section and may award different or other relief than requested  
8 after giving due regard to the purpose, intent, or effect of the applicable provisions of this  
9 ordinance. The Board may also consider the size, location, and type of accommodation  
10 proposed and whether alternatives exist which accommodate the need with less adverse  
11 effect.  
12

13 The Board of Zoning Appeals may require, as a condition of approval, that upon  
14 termination of the need for accommodation, that the property be restored to comply  
15 with all applicable provisions of this ordinance. Appropriate bonds may be collected  
16 or liens placed in order to ensure the Town's ability to restore the property should the  
17 applicant fail to do so.  
18

19 E. DECISIONS OF THE BOARD OF APPEALS  
20

21 In exercising on an appeal, the Board of Appeals may affirm, modify or reverse the  
22 order, requirement, decision or determination appealed from and, to that end, shall  
23 have the powers of the official or agency from whom the appeal is taken. In addition,  
24 when the Board reverses the order, requirement, decision or determination appealed  
25 from, the Board may remand the matter back to the official or agency from whom the  
26 appeal was taken for further action together with instructions from the Board.  
27

28 The concurring vote of the majority of the members of the Board shall be necessary  
29 to reverse any order, requirement, decision, or determination of any Town official or  
30 agency, or to decide in favor of the applicant on any matter upon which it is required  
31 to pass under this Ordinance, or to effect any variation in the application of this  
32 Ordinance.  
33

34 If any application or request is disapproved on the merits by the Board, thereafter the  
35 Board shall not accept application for substantially the same proposal, on the same  
36 premises, until after one (1) year from the date of such disapproval.  
37

38 If an appeal or application to the Board is perfected and the public hearing date set  
39 and public notice given, and thereafter the applicant withdraws the appeal, he shall be  
40 precluded from filing another application for substantially the same proposal on the  
41 same premises for one (1) year from the date of withdrawal.  
42

1 Provided, however, that the Board may dismiss, on its own motion, or at the request  
2 of the applicant, any appeal or application when it finds that material changes in the  
3 application or appeal, or in its supporting plans, specifications or other documents  
4 have been made or when it finds that any other procedural error prejudices the rights  
5 of any person or party to the appeal or application or otherwise invalidates the appeal  
6 or application. Dismissal under this provision shall not be a bar to re-application or  
7 re-appeal within one year of the date of dismissal at the applicant's expense nor shall  
8 dismissal affect the right of any person to appeal a decision of the Zoning Inspector to  
9 the Board. The Board may, at its discretion, waive part or all of the costs of the re-  
10 application or re-appeal.

11  
12 **1303.6 APPEALS FROM THE BOARD OF APPEALS**

- 13  
14 A. Any person or persons, or any board, taxpayer, or department of the Town aggrieved  
15 by any decision of the Board of Appeals may seek review by the Circuit Court of  
16 such decision, in the manner provided by the laws of Maryland and particularly by  
17 Article 66B, Annotated Code of Maryland.  
18  
19 B. All costs incurred by the Town in transcribing records of meetings and hearings shall  
20 be borne by the appellants. All fees shall be paid to the Town, before any record of  
21 the case is submitted to the appropriate court.  
22  
23

24 **SECTION 1304 DUTIES OF TOWN OFFICIALS, BOARD OF APPEALS, TOWN COUNCIL**  
25 **AND COURT ON MATTERS OF APPEAL**

26  
27 It is the intent of this Ordinance that all questions of interpretation and enforcement shall be  
28 first presented to the Town Planner/Codes Administrator and that such questions shall be  
29 presented the Board of Appeals only on appeal, and that recourse from the decisions of the  
30 Board of Appeals shall be to the courts as provided by law and particularly by Article 66B,  
31 Annotated Code of Maryland.  
32

33 It is further the intent of this Ordinance that the duties of the Town Council in connection  
34 with this Ordinance shall not include hearing and deciding questions of interpretation and  
35 enforcement that may arise. The procedure for deciding such questions shall be as stated in  
36 this section and this Ordinance. Under this Ordinance the Town Council shall have only the  
37 duties of (1) considering and adopting or rejecting proposed amendments or the repeal of this  
38 Ordinance, as provided by law, (2) hearing and approving or denying requests for Planned  
39 Unit Development applications, Commercial Medical applications, and Planned  
40 Redevelopment Applications, and (3) of establishing a schedule of fees and charges as stated  
41 in Section 1305, below.  
42  
43

1 SECTION 1305 SCHEDULE OF FEES, CHARGES, AND EXPENSES

2  
3 A. The Town Council shall establish a schedule of fees, charges, and expense, and a  
4 collection procedure, for, building and occupancy permits, appeals, variances, special  
5 exceptions, amendments, site plan and subdivision review and other matters  
6 pertaining to this Ordinance. The schedule of fees shall be posted in the offices of  
7 the Town Planner/Codes Administrator and may be altered or amended only by the  
8 Town Council, upon recommendation of the Planning Commission.

9  
10 B. No application shall be processed unless or until such costs, charges, fees, or  
11 expenses have been paid in full, nor shall any action be taken on proceedings before  
12 the Board of Appeals unless or until preliminary charges and fees have been paid in  
13 full. One exception to this regulation is the fee for building permits which is  
14 determined during the review of the application and shall be payable at the time of  
15 issuance.

16  
17 SECTION 1306 TEMPORARY USE PERMITS

18  
19 Temporary use permits may be approved by the Town Planner for specific uses identified in  
20 Article II of this Ordinance. Uses not listed as permissible on a temporary basis may be  
21 reviewed and permitted by the Planning Commission. Application for the permit must be  
22 made at least ten (10) days prior to the event. Applicant shall furnish all information  
23 required by the Planner in order to make determination on the application.

24  
25 SECTION 1307 MINIMUM REQUIREMENTS

26  
27 In their interpretation and application, the provisions of this Ordinance shall be held to be  
28 minimum requirements, adopted for the promotion of the public health, safety, morals or  
29 general welfare. Whenever the requirements of this Ordinance are at variance with the  
30 requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or  
31 covenants, the most restrictive or that imposing the higher standards shall govern.

32  
33 SECTION 1308 VIOLATIONS

34  
35 A. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any  
36 person may file a written complaint. Such complaint, stating fully the causes and  
37 basis thereof, shall be filed with the Zoning Inspector. The Zoning Inspector shall  
38 record properly such complaint, immediately investigate, and take action thereon as  
39 provided by this Ordinance.

40  
41 B. Violation of the provisions of this Ordinance or failure to comply with any of its  
42 requirements shall constitute a municipal infraction and fines may be levied in

1 accordance with the schedule approved by the Town Council. Each day such  
2 violation continues shall be considered a separate offense.

3  
4 C. The owner or tenant of any building, structure, premises, or part thereof, and any  
5 architect, builder, contractor, agent, or other person, who commits, participates in,  
6 assists in, or maintains such violation may each be found guilty of a separate offense  
7 and suffer the penalties herein provided.

8  
9 D. Nothing herein contained shall prevent the Town from taking such other lawful  
10 action as is necessary to prevent or remedy any violation.

11  
12 SECTION 1309 ADMINISTRATIVE REVIEW FOR CERTAIN DEVELOPMENT  
13 ACTIVITIES ON IMPROVED LOTS

14  
15 (1) Applications for renovations, alterations or additions to existing improved lots which  
16 violate the prescribed setback but are no closer to the property line than the existing  
17 structure may be approved by the Town Planner. The application shall include a site  
18 plan with sufficient information to review the request. If approved by the Town  
19 Planner, nothing more than a building permit shall be required for such requests.  
20 Nothing in this provision however shall permit construction in violation of the  
21 Town’s Building Code without a Variance from said Code.

22  
23 (2) Applications for new construction which violate the prescribed setback or for  
24 additions or new construction which exceed lot coverage limits or encroach closer to  
25 the property line than the existing plane of the improved building, may be considered  
26 by the Town Planner and may be approved provided that there is acceptable historical  
27 evidence that the property was improved in a manner consistent with the request at  
28 some point in the past, prior to the establishment of Zoning regulations for the  
29 property in question. Acceptable evidence may include physical evidence, land  
30 records, assessment information, old surveys, or Sanborn Insurance Maps. Such  
31 evidence shall not be construed to constitute automatic approval of the request. It  
32 merely allows the Town Planner to consider a request that would otherwise require a  
33 Variance. If in the Town Planner’s opinion the site plan should not be approved via  
34 this administrative review option, the applicant shall still have the right to file for a  
35 Variance from the necessary provision(s) of the Ordinance.